

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

WALTER JAMAR AVERY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:05-cv-631-MEF-CSC
)	
LEE COUNTY DETENTION)	
FACILITY, et al.)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR EXTENSION OF TIME

COME NOW Jay Jones, Sheriff of Lee County, Alabama, and Major Cary Torbert, Jr., Defendants in the above-styled cause, and move this Honorable Court for an extension of time of 21 days in which to file their Special Report and Answer which is presently due on September 14, 2005. As grounds for said motion, Defendants state as follows:

1. On August 5, 2005, this Court entered an Order directing the Defendants to file a Special Report in the above-styled cause on or before September 14, 2005.

2. The gathering of information with which to formulate the Special Report has taken longer than expected. Counsel for Defendants has yet to meet with all the Defendants for the purpose of ascertaining the facts of the case and obtaining the documents located at the Lee County Sheriff's Department relevant to Plaintiff's allegations. In addition, it may be necessary to obtain additional documents relating to the Plaintiff's incarceration made the basis of his Complaint.

3. Defendants are in need of this additional time to fully respond to the Plaintiff's allegations.

4. Defendants have not previously requested an extension of time in this case.

5. Plaintiff will not be prejudiced by the requested extension.

WHEREFORE, PREMISES CONSIDERED Defendants respectfully request this Honorable Court grant their Motion for Extension of Time to file their Special Report and Answer up to and including October 5, 2005.

Respectfully submitted this 8th day of September, 2005.

s/Kelly Gallops Davidson

KELLY GALLOPS DAVIDSON Bar No. DAV123

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CERTIFICATE OF SERVICE

I hereby certify that on this the 8th day of September, 2005, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Walter Jamar Avery

AIS# 184038

Lee County Detention Center

P.O. Box 2407

Opelika, AL 36801-2407

s/Kelly Gallops Davidson

OF COUNSEL